

FILED

JUL 24 2012


ClerkUNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

* CR 12-30034-02-RAL

Plaintiff,

*

vs.

*

INA CROW DOG,

*

Defendant.

*

ORDER DENYING MOTION
TO SUPPRESS

Defendant Ina Crow Dog and her husband Anthony Fast Horse are charged conjointly, as principals and aiders and abettors, with five counts of sexual abuse and aggravated sexual abuse in violation of 18 U.S.C. §§ 1153, 2242(2), 2246(2)(A), 2241(a), and 2. Doc. 3. Crow Dog moved to suppress statements she made to FBI Agent Oscar Ramirez and Rosebud Sioux Tribe Special Agent Calvin Waln Jr., during an October 30, 2011 interview. Doc. 48.

Magistrate Judge Mark A. Moreno held an evidentiary hearing on Crow Dog's motion to suppress on June 7, 2012. Judge Moreno heard testimony from Agent Ramirez and received into evidence a recording of the October 30, 2011 interview and an advice of rights form signed by Crow Dog. Based upon this evidence, Judge Moreno issued a report and recommendation on June 12, 2012, finding that Agent Ramirez had properly advised Crow Dog of her rights under Miranda v. Arizona, 384 U.S. 436 (1966) and that Crow Dog's statements were voluntary. Doc. 67.

Crow Dog has not filed any objections to the report and recommendation, and the time for doing so has expired. Crow Dog has thus waived her right to de novo review of her motion to suppress. See United States v. Rodriguez, 484 F.3d 1006, 1010-11 (8th Cir. 2007) ("Rodiriquez's 'failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact contained therein.'") (quoting United States v. Newton, 259 F.3d 964, 966 (8th Cir. 2001)). This Court finds no plain error in Judge Moreno's decision. Accordingly, this Court adopts the report and recommendation.

For the foregoing reasons, it is hereby

ORDERED that the Report and Recommendation, Doc. 67, is adopted in full. It is further ORDERED that the Motion to Suppress, Doc.48, is denied.

Dated July 24th, 2012.

BY THE COURT:



ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE